State have to dictate to Congress its rule of action. Each is supreme within the sphere of its own peculiar duties: clothed with the power of legislation, and a discretion as to the manner in which it shall be exercised, with which the other cannot interfere by ordering it to be exercised in a different manner. The Constitution contains no grant of power to Congress to superintend and control and direct the legislation of the States. This is not among the enumerated powers, nor can it be implied as necessary and proper to carry them into effect. Congress is invested with authority, co-extensive with its power of legislation, to make provision for the execution of its own laws, in its own way, without calling upon the States to come to its aid. Hence there can be no pretext founded on necessity and propriety, for deriving, by vague implication from some unknown source, this extraordinay power of commanding the States what they shall and what they shall not do. This assumption, if permitted by general acquiescence to ripen into the force of constitutional right, and become engrafted upon the settled policy of the Government, would practically subvert the principles of the constitution, and revive those of the old confederation.

The great radical evil in the articles of confederation, which led to the adoption of the present constitution, was the constent collision between the Federal and State Governments, produced by the laws of the former operating upon the latter in their corporate and sovereign capacities, instead of binding the people individually. The consequence was, that, whenever Congress passed laws requiring the States to furnish their quotas of men, munitions of war, revenue, or to perform any other act neceasary to the the defence of the country, or the existence ofthe Government, those laws could not be executed—were inoperative—a mere daad letter upon the statuebook, until the several Legislatures assembled, and gave them life by enacting State laws to carry them into effect. If the laws of the confederation were supposed to be unjust to a particular portion of country, or to operate unequally and oppressively upon particular States, such States refused to make provision for their execution, and thus suspended their operation. Upon such refusal, there was no more power to coerce obedience than there is in the case now under consideration; and the Government founded itself in the humiliating condition of being without the ability or means of enforcing its own enactments. In this connexion we invite the attention to the following passage in the federalist, illustrating the practical evils of this exploded theory, which is proposed to be resuscitatad in the second section of the apportionment act:

"In our case, the concurrence of thirteen distinct sovereign wills is requisite under the confederation, to complete the execution of every important measure that proceeds from the Union. It has happened as was to have been foreseen. The measures of the Union have not been executed; the delinquencies of the States have, step by step, matured themselves to an extreme, which has at length arrested all the wheels of the National Government, and brought them to an awful stand. Congress at this time scarcely possesses the means of keeping up the forms of administration till the States can have time to agree upon a more substantial substitute for the present shadow of a Federal Government."

To remedy these perilous evil, and to
ve force, vigor, and vitality to the Govern-
t, the whole system was changed in the
tion of the Constitution, by distinctly
ing the powers of the Federal and
overnments—making each supreme
ropriate sphere, and giving the
well as the latter, the power of
s own laws, by making them
the people directly and indi-
out the intervention of the
res.

e improvements were incor-
new system, calculated to
monious and perfect in its
resting upon that grand
ple, in the absence of
shown that the forms
ld not be maintained,
.

ed for in the Con-
er of Legislation
; or where the
erseded by
ehend no
may
ier,

which shall be uniform throughout the Union, in pursuance to the Constitution.—Numerous other cases may be cited, in which a similar concurrent power is vested in the two Governments, with a resulting authority in Congress to supersede the State legislation by the substitution of its own.—But will it be seriously contended, for a moment, that, because the General Government may suspend the State laws in these cases, it my therefore order the Legislatures to enact laws upon the subject of bankruptcies, in accordance with certain arbitrary rules established by Congress? The soundness of this principle may be tested by supposing that Congress, instead of passing the late bankaupt law, had contented itself with a simple declaration similar to the second section of the appostionment act—that all the laws upon the subject of bankruptcies should be uniform in each State of the Union; that persons might be discharged from the payment of their just debts, upon their own application, without the consent of their creditors, upon the surrender of all their property, except so much as the Court should be please to allow them to retain, not exceeding three hundred dollars; and that no man should be released from his obligations, under any law which did not conform to these abstract principles. Would these rules be valid, and impose upon the States the duty of changing their local legislation, as to conform to the abstractions established by Congress? Can Congress refuse to exercise a concurrent power conferred by the Constitution; and, in the very act of refusal, prescribe the form of its exercise by the State legislatures? If these cannot be done in a case of bankruptcy, upon what principle is it that Congress may direct the legislative discretion of the States in regard to elections? But let us further test this assumed right, by illustrations drawn from the same clause of the Constitution upon which the assumption is founded. First section vests the power of prescribing the times and places, as well as the manner of holding the elections, primarily in the State Legislatures, and ultimately in Congress. It is the duty of the former to act, and it is the privilege of the latter to suspend or alter their action. Congress has the same control over the time, that it has over the manner; and we do not question its right to prescribe either, or both, under the Constitution. But, suppose that Congress had inserted a section in the apportionment act, declaring that the elections of Representatives should be held, in all the States of the Union, on one and the same day, without naming the day. The same power which would authorized the Congress to declare that the members should be elected by districts, without forming or specifying the districts, would authorize the provision that they should be elected on the same day, without designating the day. If the provision would be valid, and operative, and binding in the one case, it would be equally so in the other; and if the elections held in pursuance of State laws, but in opposition to such a provision, would be void in the one case, they would also be void in the other. The two cases involve the same principle—the right of Congress to refuse to enact laws making provision for elections, and at the same time to establish rules by which the States shall be governed in their Legislation. It is apparent, that, in regard to the time of holding elections, such a rule would be inopperative and impracticable, if not absured. All the States could never agree upon the same day; one would fix one time, and others different times, each to suit their own convenience, and insist that all the others should conform to the time it had established. The members would be elected on as many different days as the States, in their discretion, should prescribe, each for itself; and, like all the members of the present Congress, would demand their seats by virtue of elections held in pursuance of the only laws which prescribe the times, places, and manner of holding the elections. In that case, the members from one State would be elected in conformity to the rule established by Congress, and from all the other States in derogation of it. How would the House determin which State had fixed the right, and which the wrong day; and whose Representatives had been elected in pursuance of, and whose in opposition to, the uniform rule prescribed by Congress for the government of the State Legislature? What would be the decision of the House when the case arose? It could not reject all; for the members from some one State (nobody knows which) would have been elected in compliance with the rule. Still, all must be admitted, or all rejected, from the necessity of the case. A similar rule in
gard to the places of holding the elections,
ode of voting, or the form of making
would inevitably lead to some prac-
s.
are brought irresistably to the
fair interpretation of this
tion requires that Con-
nate the time, specify
the manner, by
m and discre-
islatures.
follow,from this
is compelled to
d in that section,
cise of every por-
no such principle.
e times, the
hem, in its
trol the
; and

so with each other branch of the subject.

We concede to Congress the right to provide by law for the election of members of Congress in each State of the Union, on a certain day, to be named in the act, without prescribing the places or manner of election. The power to designate the places, or the manner, without specifying the time, is equally clear; but whenever Congress assumes the power over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures; and the residue must be left to the States, to be exercised according to their discretion, under the Constitution. So much of the power as shall not be embraced in the legislation of Congress, the Constitution makes it the imparative duty of the States to carry into effect; and constitutes them the sole and exclusive judges of the mode and means best adopted to the end, without the interference or control of Congress.

This view of the subject is strengthened and confirmed by the uniform practice of the Government from the time of the adoption of the Constitution to the passage of the act under consideration, a little more than a year ago.

If the doctrine contended for in the second section of that act be correct, it is a remarkable fact, that, during the whole period of our Constitutional history, Congress has never exercised, or claimed the right to exercise, the power of dictating the State legislation. It is said that, in the exercise of doubtful powers under the Constitution, the safest rule of construction is to be found in the practical exposition of the Government itself, in all its various branches and departments, where the practice has been uniform, and the acquiescence of the people general. Indeed, it has been judicially determined by the highest tribunal in the land, that, in such a case, the practice establishes the construction so firmly and inflexibly that the Court will not consider the question open for discussion or inquiry. If the rule should be deemed sound and incontrovertible, with what irresistable force does it apply to a case where the practice of the two Governments has been uniform—the one affirming, the other conceding, by every act of legislation, the correctness of principle; and where the people have yielded a universal acquiescence, without a murmur or remonstrance, and have sanctioned it at the polls, as often as the period of election has recurred?

The resolution of the House, in obdience to which we are now acting, does not authorize or permit us to go intu an examination of the expediency, propriety, or relative merits of the general ticket or district systems, or the policy of any other matter connected with the regulation of the times, places, and manner of holding elections. The Constitution provides that "each House shall be the judge of the elections, returns, and qualifications of its own members:" and the instructions of tho House confined our inquiries within these limits.

We therefore submit the following resolutions, and recommend their adoption by the House:

Resolved, That the second section of "An act for the apportionment of Representatives among the several States according to the sixth census," approved June 25, 1842, is not a law made in pursuance of the Constitution of the United States, and valid, operative, and binding upon the States.

Resolved, That all the members of this House (excepting the two contested cases from Virginia, upon which no opinion is hereby expressed) have been elected in conformity with the Constitution and laws, and are entitled to their seats in this House.

From the N. O. Bulletin, Feb. 14.

Interesting and Important from Texas.

By the arrival of the steam-packet Neptune, from Galveston, we have very late advices from different parts of Texas. The following is a copy of an extra from the office of the Houston Telegraph, on Friday last.—Circumstances, as far as we can judge, seem to warrant the belief, that the statements given are substantially correct:

"*Glorious News—Annexation.*—We have received intelligence from sources of unquestionable authority, that the Senate of the United States has almost unanimously ratified a treaty for the annexation of Texas to the United States. The despatches relating to this subject have been forwarded to Washington with all possible haste, in order that if necessary, the Senate may be convened to ratify the treaty on the part of Texas. This, however, will not be necessary, for our Congress, in secret session, has fully authorized the President to ratify a treaty for this object immediately. This news may seem too good to be true, but we have derived it from letters written by intelligent gentlemen in the capital of the United States, and we place full reliance in its authenticity. General Murphy, who is here on his way to Washington, does not deny it; but his joyous smiles indicate too plainly, that he believes the day is close at hand, when the youngest daughter of America, will be restored to the arms of the mother republic. Ere another harvest is gathered in Texas, the broad banner of Washington may be unfurled in glory on our western border, and the burnished arms of American troops will be reflected from the sparkling waters of the Nueces. Westward! the star of empire takes its way!"

If the fact reported be true, the strains of exultation in which the Telegraph indulges, are not misplaced nor extravagant, and they will presently be echoed back from this side the Sabine, with as much sincerity and fervor. Indeed, we do not know of any event which would more rejoice the hearts of the American people, than the restoration to the Republic, of the magnificent territory of Texas.

The following paragraph from the Galveston Civilian of the 7th, written on the arrival at that port of the Neptune, in some measure strengthens the statements of the Telegraph:

"The papers brought by this arrival contain no news of peculiar importance, though despatches arrived from the American government, which, it is surmised, are of a interesting character; inasmuch as they were preceded at New Orleans by a request to detain the packet, if necessary, in order to ensure their transmission to Texas without a moments delay. Among the documents brought to our Government, we noticed letters to General Houston, directed in the hand writing and bearing the frank of the venerable patriot of the Hermitage. Despatches were also received, bearing the marks of the Texian Legation in Paris, which we opine are only second in importance to those received from the United States."

The Texian Congress adjourned on the 5th instant, a resolution for the adjournment having passed both houses on the 3d, this being the latest date from the seat of government.

Commodore Moore.—The Report of the Joint Committee of Congress on the memorial of Commodore Moore will be found in our columns to-day. It is, we think, the ablest document that has been presented to the 8th Congress during the session, and triumphantly refutes the charges made by the Executive and the Secretary of War and Navy against this meritorious officer. The arguments adduced by the Committee show conclusively that Commodore Moore has disobeyed no order, that it was in his power to execute, and that he has in every instance acted according to the established usuage of the Naval officers of civilized countries, consequently has not been guilty of either piracy, murder or treason. They show also that he has expended the money entrusted to his charge in the public service, and that there is a balance actually due him from the Government, over and above his expenditures. It must be peculiarly gratifying to this gallant officer, to find that so respectable a portion of the Committee appointed to investigate his conduct, have thus given their testimony in his favor; and it must be still more gratifying, that a large majority of the House of Representatives have expressed their full approbation of this report by its adoption.—*Houston Telegraph.*

JEFFERSONIAN DEMOCRAT.

RICHARD JACOBS, EDITOR.

Kosciusko, Saturday, March 2, '44.

For President of the United States,
[The Nominee of the Democratic National Convention.]

Democratic State Electors.
JOSEPH W. MATTHEWS,
of Marshall.
JEFFERSON DAVIS,
of Warren.
JOSEPH BELL,
of Winston.
H. S. FOOTE,
of Hinds.
ARTHUR FOX,
of Lawrence.
R. H. BOONE,
of Tishemingo.

☞ The Rev. John G. Deskin, will preach at the Academy, in this place, on the 8th of March, at candle-lighting; also, the Sunday following at half past three o'clock, P. M.

Our thanks are due Hon. Jacob Thompson for public documents.

We have received the first number of the Southern Democrat, published at De Kalb, D. P. M'Allum editor and proprietor; also, the Winston Banner, published at Louisville, by J. J. Thompson, in conjinuation of the Louisville Messenger, both of which are in favor of democratic principles, and zealously advocate the cause of democracy. Success attend you.

The report of Mr. Douglass, of Illinois, from the committee of Elections, to whom was referred the right of those members elected by general ticket, their seats in the House of Representatives, in an able document, and deserves a careful perusal from our readers.

Mississippi Legislature.

A BILL

To be entitled An Act to reduce the fees of certain officers therein named.

Sec. 1. *Be it enatted by the Legislature of the State of Mississippi*, That from and after the expiration of the time for which they were elected, the following named officers shall receive for their compensation the following named sums, (viz):

The Clerk of the Supreme Court.

For entering appearance, for either party, in person or by attorney, to be charged but once, 00
Every rule entered on rule docket, 00
Entering every continuance, 00
Administering oath or affirmation, 00
Docketing every case to be charged but once, 00
Entering up judgment, 00
Entering every decree, 00
Taxing cost in any suit or action, and copy thereof, 1
00

The Clerks of the Superior Court Chancery.

For each writ, 00
Entering each motion, 00

The Clerks of the Circuit Courts.

For each writ, other than those hereinafter mentioned, 00
Declaration in Ejectment, 00
Order and copy of rule of reference, 1
00
Scire facias, except against jurors, when excused, 00
Each subpœna for one witness, 1
Commissions to take depositions, 00
Each Execution, 00

In Criminal Cases.

For each writ, other than those hereinafter named, 00
Arraigning prisoner and entering plea, 00
Taking recognizance, 00
Swearing and empannelling each jury, 00
Subpœna with one name, 00

For the Clerks of the Police and Probate Courts.

For issuing licence and taking bond, 1
Certifying the official act of Justices of the Peace, or other certificates with a seal, 00
Administering oath to executors, collectors, administrators or guardians, taking bond and recording the same, 1
Giving Marriage Licence, taking bond, and recording certificate of marriage, and every thing pertaining thereto, 1
The Clerks of the High Court of E and Appeals, Supreme Court of Cha Vice Chancery Court, Circuit Court bate Court, for making up final record nishing copies of records, transcript cording deeds and all other writing a struments required by law, to be rec and copied, or, of which any person titled to demand and receive copies, 10 for each 100 words.

Sheriffs.

For victualing prisoners, white man per day, 00
Negro per day, 00
Making a deed of conveyance to Real estate, 1
Serving a declaration in ejectment and copy thereof, 1
Collecting monies by virtue of an exe for the first hundred dollars, two pe and all sums over one per cent.

Jurors and Witnesses.

They shall receive in all cases where they are required by law to attend, per day, 1

Justices of the Peace.

For each subpœna, 0
Warrant or summons, in each civil case, 0
Each execution, 0
Each attachment including bond and affidavit, 0
Each appeal with the proceedings, bond and certificate, 0
Taking the probate of any deed, mortgage, or other instrument of writing conveying real or personal estate, and certificate thereof, 0
Taking depositions, each 100 wor cents.

For Constable.

For levying execution and making the money thereon,
Summoning coroner's inquest,

Commissions in Chancery.

Hereafter they shall receive the sam missions on sales under a decree of a of Chancery, which sheriffs receive o under execution, and no more.

All officers before whom deposit are taken.

For administering oath and certificate of the same, shall receive 0
Writing or copying the deposition quired to do so, for each 100 wor cents.

Executors or Administrators

For the management of any estate appraised value thereof, (to be allo the judge of probate,) not less than more than five per cent.

Judge of Probates.

For examining, reporting, and stating each account of an executor, administrator, guardian or collector, for the first sheet,
Every sheet more than one,
Each order for the appointment of commissioners on the representation of an estate being insolvent,
Apportionment of an insolvent estate among creditors,
Granting letters testamentatory, or letters of administration or guardianship,

Sec. 2. *Be it further enacted*, laws or parts of laws contrary to or ting with the provisions of this act, the same are hereby repealed; and act be in force and take effect from its passage.